

# Court of Appeals, State of Michigan

## ORDER

People of MI v Douglas Williams

Docket No. 280583

LC No. 06-008243

Karen M. Fort Hood  
Presiding Judge

Helene N. White

Michael J. Talbot  
Judges

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In lieu of granting the application, the Court orders, pursuant to MCR 7.205(D)(2), that the August 24, 2007, order of the Wayne Circuit Court granting defendant's motion to withdraw his guilty plea hereby is REVERSED. An instruction on second-degree murder as a necessarily lesser included offense of first-degree murder is proper "if the intent element differentiating the two offenses is disputed and the evidence would support a conviction of second-degree murder." *People v Cornell*, 466 Mich 335, 358 n13; 646 NW2d 127 (2002). The intent element differentiating first- and second-degree murder was not at issue here, where defendant maintained that he was simply not involved in the incident. Thus, the failure to inform defendant that the jury would be instructed on second-degree murder is an insufficient basis upon which to allow defendant to withdraw his guilty plea. Likewise, the Court rejects the circuit court's ruling that the plea should be withdrawn where defendant was not advised of the elements of the offenses. A court need not explain to defendant the elements of the offense. MCR 6.302(B)(1); *In re Guilty Plea Cases*, 395 Mich 96, 116; 235 NW2d 132 (1975). The case is REMANDED to the circuit court for further proceedings consistent with this order.

This order is to have immediate effect, MCR 7.215(F)(2). The Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

OCT 29 2007

Date

*Sandra Schultz Mengel*  
Chief Clerk